

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ALLAN CASE,)
) CASE NO. C12-0187-MJP-MAT
Petitioner,)
)
v.)
) ORDER RE: PENDING MOTIONS
MAGGIE MILLER-STOUT,)
)
Respondent.)
_____)

Petitioner Richard Allan Case proceeds *pro se* in this habeas corpus matter pursuant to 28 U.S.C. § 2254. Petitioner filed a Motion for Evidentiary Hearing (Dkt. 27) and respondent filed a Motion to File Amended Answer (Dkt. 30). Now, having considered the motions, along with the balance of the record, the Court does hereby find and ORDER as follows:

(1) Respondent seeks to file an Amended Answer due to the discovery that petitioner's petition is not untimely under the applicable statute of limitations. (Dkt. 30). The Amended Answer submitted addresses the merits of petitioner's habeas claims. (*See* Dkt. 31.) The Court finds the request appropriate and GRANTS respondent's motion (Dkt. 30).

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01 Respondent's Amended Answer is NOTED for consideration on **October 19, 2012**. Petitioner
02 may file and serve a response to the Amended Answer no later than **October 15, 2012**, and
03 respondent may file a reply no later than **October 19, 2012**.

04 (2) Petitioner requested an evidentiary hearing on the question of whether his
05 habeas petition was timely filed. (*See* Dkt. 27.) Given that respondent now acknowledges the
06 timeliness of petitioner's petition, petitioner's request for an evidentiary hearing on that issue is
07 moot. (*See* Dkt. 29.) Accordingly, petitioner's Motion for Evidentiary Hearing (Dkt. 27) is
08 STRICKEN as moot.

09 (3) The Clerk shall direct copies of this Order to the parties and to the Honorable
10 Marsha J. Pechman.

11 DATED this 19th day of September, 2012.

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14 Mary Alice Theiler
15 United States Magistrate Judge
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